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PART IV – REPRESENTATIONS AND INSTRUCTIONS**SECTION M – EVALUATION FACTORS FOR AWARD****M.1 EVALUATION OF PROPOSALS**

- (a) This acquisition will be conducted pursuant to the policies and procedures in Federal Acquisition Regulation (FAR) Part 15 and Department of Energy Acquisition Regulation (DEAR) Part 915. The Department of Energy (DOE) has established a Source Evaluation Board (SEB) to evaluate the proposals submitted for this acquisition. Proposals will be evaluated by the SEB members in accordance with the procedures contained in FAR Part 15, DEAR Part 915, and the Evaluation Factors hereinafter described.
- (b) The instructions set forth in Section L are designed to provide guidance to the offeror concerning the documentation that will be evaluated by the SEB. The offeror must furnish adequate and specific information in its response. A proposal will be eliminated from further consideration before the initial ratings if the proposal is so grossly and obviously deficient as to be totally unacceptable. For example, a proposal will be deemed unacceptable if it does not address the essential requirements of the Request for Proposal (RFP), or if it clearly demonstrates that the offeror does not understand the requirements of the RFP. In the event that a proposal is rejected, a notice will be sent to the offeror stating the reason(s) that the proposal will not be considered for further evaluation under this solicitation.
- (c) A proposal may be eliminated from further consideration before the initial ratings by DOE, if it does not comply with 13 CFR 125.6 and FAR Clause 52.219-14 entitled “Limitations on Subcontracting”. The Small Business Administration (SBA) has exclusive authority to determine matters of small business size status pursuant to 13 CFR 121 entitled “Small Business Size Regulations.”
- (d) Any exceptions, deviations, or conditional assumptions to the terms of this solicitation unless specifically requested in the RFP may make the offer unacceptable for an award made without discussion. If an offeror proposes exceptions to the terms and conditions of the contract, the Government may make an award without discussions to another offeror that did not take exception to the terms and conditions of the contract.
- (e) Prior to an award, a finding shall be made by the Source Selection Official whether any possible Conflict(s) of Interest (COI), or Organizational Conflict(s) of Interest (OCI) exists with respect to the apparent successful offeror or whether there is little or no likelihood that such conflict(s) exists. In making this determination, DOE will consider the representation required by Section K of this

solicitation. An award will be made if there is no conflict(s) or if it can be avoided or mitigated appropriately.

- (f) Federal Law prohibits the award of a contract under a national security program to a company owned by an entity controlled by a foreign government unless a waiver is granted by the Secretary of Energy. In making this determination, the Government will consider the certification required by Section K, Certificate Pertaining to Foreign Interests.
- (g) The Government intends to evaluate proposals and award a contract without discussions with offerors (except clarifications as described in FAR 15.306(a)). Therefore, the offeror's initial proposal should contain the offeror's best terms from a cost or price and technical standpoint. The Government reserves the right to conduct discussions if the Contracting Officer later determines them to be necessary.
- (h) If the Contracting Officer determines discussions to be necessary, the competitive range may be limited for purposes of efficiency pursuant to FAR 15.306(c)(2).
- (i) The government, at its option, either prior to or after receipt of proposals may elect to cancel this RFP if it is determined to be in the best interest of the Government.

M.2 BASIS FOR CONTRACT AWARD

The Government intends to award one contract to the responsible offeror whose proposal is responsive to the solicitation and is determined to be the best value to the Government. If the contractor proposes as a part of a consortium, joint venture, and/or other teaming arrangement, the team shall share in the contract fee structure (i.e., separate additional “subcontractor fee” for teaming partners will not be considered an allowable cost under this contract). Contractor shall make sure each teaming partner, and/or joint venture arrangement, satisfy section M.1.d and M.1.e. Selection of the best value to the Government will be achieved through a process of evaluating the strengths and weaknesses of each offeror’s proposal in accordance with the evaluation criteria stated in the solicitation. In determining the best value to the government, the Technical Evaluation Factors/Criteria are significantly more important than the evaluated cost. The cost evaluation will not be point scored. The Government is more concerned with obtaining a superior technical proposal than making an award at the lowest evaluated cost. However, the Government will not make an award at a price premium it considers disproportionate to the benefits associated with the evaluated superiority of one technical proposal over another. The Government will assess whether the strengths and weaknesses between or among technical and business proposals indicates a superiority from the standpoint of: (1) what the difference might mean in terms of anticipated performance; and (2) what the evaluated cost and fee to the Government would be to take advantage of the difference.

M.3 OVERALL RELATIVE IMPORTANCE OF EVALUATION FACTORS

The proposals will be evaluated using information submitted by the offerors on the following factors: Key Resources, Technical Approach, and Past Performance. The relative weight of the evaluation factors are as follows:

- (1) Key Resources is of equal importance to Technical Approach and individually are significantly more important than Past Performance.
 - (i) Under each Key Resources subfactor, the Project Manager is equal to the other Key Resources combined, which are of equal importance to each other.
 - 1. Project Manager
 - 2. Two other named Key Resource
- (2) Technical Approach
 - (i) Subfactors under the Technical Approach are listed in descending order of importance:
 - 1. Work Accomplishment, Integration and Schedule
 - 2. Risk Management

Past Performance The past performance questionnaires and reference information forms will be used for this factor.

M.4 TECHNICAL EVALUATION FACTORS/CRITERIA

I. Key Resources

The DOE will evaluate each of the proposed Key Resources education, leadership, relevance of experience, suitability, and capability to perform the SOW. The DOE will evaluate how work experience relates to CCP issues and capability to function effectively in his/her proposed CCP team position, as demonstrated through resume review and a walkthrough/oral interview of BMI's WJN site (i.e., the CCP) with the SEB. Failure to submit a Letter of Commitment may result in a lower rating.

II. Technical Approach

(a) Work Accomplishment, Integration and Schedule

The DOE will evaluate each offeror's approach for integrating the performance based schedules of the CCP to allow site closure on or before September 30, 2006. This includes an evaluation as to how the offeror shall complete the SOW

requirements by the proposed target date and how/why the proposed schedule is credible and within the annual funding limitations.

The DOE will evaluate each offeror's technical approach, major work elements and methods, including any innovations that address each of the elements in the SOW.

The DOE will evaluate each offeror's approach toward project management to achieve site closure on or before September 30, 2006.

(b) Risk Management

The DOE will evaluate each offeror's assessment of the work scope uncertainties identified in Section H.2. For the uncertainties that present a significant risk to project cost and schedule, DOE will evaluate the offeror's proposed approach for their elimination, avoidance or mitigation.

The DOE will evaluate each offeror's identification of additional work scope uncertainties (not listed in Section H.2) that, in its opinion, may present a significant impact to project cost and schedule. The DOE will evaluate the offeror's proposed approach to eliminate, avoid or mitigate those uncertainties.

The DOE will evaluate each offeror's approach to eliminate, avoid or mitigate programmatic risks, and the offeror's allocation of risk responsibility to the organization best suited to manage it. This can result in the contractor assuming total responsibility, the Government assuming total responsibility, or a clearly defined method of sharing risk responsibility between the Government and the contractor.

III. Past Performance

The DOE will evaluate each offeror's, which includes the proposed prime contractor as well as the joint venture members and any major subcontractors (over \$5M contract value in any one year), Past Performance under existing and prior contracts regarding the execution of work similar to the SOW in type, scope, complexity, or risk, as demonstrated by responses to the Reference Information Form and the Past Performance Questionnaire.

The DOE will evaluate the information provided on problems encountered on contracts, the list of contracts terminated within the past three years, and other relevant information available to the DOE which includes DOE calling references not provided by the offeror.

Offerors without a record of relevant Past Performance, or for whom information on Past or Present Performance is not available, will be evaluated neither favorably nor unfavorably on Past Performance.

M.5 COST AND FEE EVALUATION CRITERIA

- (a) The DOE will evaluate each offeror's proposed costs for realism, reasonableness and completeness. The evaluation of cost realism includes an analysis of specific elements of each offeror's proposed cost estimate to determine whether the proposed estimated cost elements are realistic for the work to be performed, reflect a clear understanding of the requirements; and are consistent with the methods of performance and materials described in the offeror's technical proposal. The evaluation of cost reasonableness includes those considerations described in FAR Subpart 31.2.
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- (b) The DOE will evaluate each offeror's proposed Target Fee. The following factors may be used when evaluating Target Fee: contractor effort required to accomplish the contract; contractor's assumption of contract cost risk which includes the degree of cost responsibility and associated risk the contractor will assume as result of this CPIF contract; contractor contribution of capital investments, if any; and, contractor's ability to control costs on other similar government cost type contracts.
- (c) The DOE will evaluate each offeror's target cost, target fee, and cost share line proposal to ensure total contract costs and projected annual funding limitations are not exceeded.
- (d) The most probable cost will be used to determine the probable fee based on the proposed fee curve. The probable fee will be added to the probable cost to arrive at price for evaluation purposes. Target cost, target fee, and cost share will be evaluated in regard to the contractor's assumption of contract cost risk.